

MJP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIAF I L E D
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UNITED STATES OF AMERICA,

Plaintiff,

v.

Cesar LARA-Martinez,

Defendant

CLERK magistrate Docket No 07 MJ 2286
SOUTHERN DISTRICT OF CALIFORNIABY: *R* COMPLAINT FOR VIOLATION OF:Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

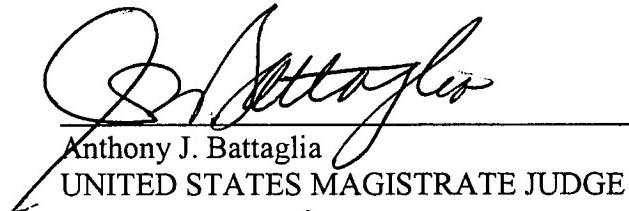
On or about **September 22, 2007** within the Southern District of California, defendant, **Cesar LARA-Martinez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 24th DAY OF SEPTEMBER, 2007



Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Cesar LARA-Martinez**PROBABLE CAUSE STATEMENT**

On September 22, 2007, Supervisory Border Patrol Agent Juan R. Garcia and Senior Patrol Agent Molly Rasmussen were performing line watch duties in the vicinity of Hauser Canyon. Hauser Canyon is located in the vicinity of Barrett Junction, California and is approximately eight miles north of the international border between the United States and Mexico, and is approximately one mile west of the Tecate, California Port of Entry.

At approximately 12:45 pm, Agents Garcia and Rasmussen spotted two individuals walking west along the northern shore of Barrett Lake. Upon approaching the area, one of the individuals immediately sat down and the other individual, later identified as the defendant, **Cesar LARA-Martinez** ran away. Agents Garcia and Rasmussen identified themselves as United States Border Patrol Agents and after a short foot pursuit, Agent Rasmussen located LARA in an area of thick brush. Agents Garcia and Rasmussen questioned both individuals, as to their country of birth. Both individuals stated individually that they were born in Mexico. Upon further questioning, both individuals freely stated that they were citizens and nationals of Mexico and were not in possession of proper immigration documents that would allow them to enter or remain in the United States legally. Both individuals, including LARA, were placed under arrest and transported to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on March 17, 2006** through **Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.